

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

C.R. BARD, INC.,

Plaintiff,

v.

LEXINGTON INSURANCE COMPANY,

Defendant.

Civil Action No. 12-50

ORDER

This matter having come before the court by way of a joint letter submitted by the parties dated January 3, 2013 [D.E. 37]; the Court having filed an order administratively terminating this case on September 11, 2012 [D.E. 27] in order to facilitate settlement negotiations between the parties; the Court having ordered that any request to reactivate the case was to be made by joint letter no later than January 3, 2013, and that if such a request were to be made, the pretrial schedule set forth in the September 11 order “shall apply and no extensions impacting the dates associated with the adjourned Final Pretrial Conference will be granted”; the parties having met on October 25, 2012 and outlined the general terms of a proposed settlement, which they agreed would be sent to individuals at each party who have settlement authority; plaintiff C.R. Bard having indicated that the general terms of the proposed settlement are acceptable subject to negotiation of a specific settlement agreement; defendant Lexington Insurance Company having failed to give any response concerning general terms of the proposed settlement; C.R. Bard having requested in the January 3 letter that the Court reactivate the case; Lexington having requested in the January 3 letter that the Court extend by one month both the date by which case

reactivation must be requested as well as all dates set forth in the September 11 pretrial schedule because of the extremely disruptive effects Hurricane Sandy has had on its lower-Manhattan office; Lexington having represented that notwithstanding those disruptions, analysis of the proposed settlement is ongoing and can be reviewed by persons with settlement authority on January 9, 2012; it having been over two months since the general terms of the proposed settlement were drafted; plaintiff having indicated its desire to commence depositions by late January should settlement negotiations fail; good cause appearing,

IT IS ON THIS 7th day of January, 2013,

ORDERED that the case is hereby reactivated; and it is further

ORDERED that the deadlines set forth in the September 11 order shall remain in effect; and it is further

ORDERED that the parties shall continue settlement negotiations notwithstanding the case reactivation; and it is further

ORDERED that should the parties conclude that the Court can be of assistance in coming to a final settlement, they should so notify the Court by joint letter.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J